

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

2:21-cr-222
Judge Watson

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS C. BEATTY,

Defendant.

CASE NO.

JUDGE

INDICTMENT

18 U.S.C. § 1341

18 U.S.C. § 1343

FORFEITURE ALLEGATION

THE GRAND JURY CHARGES:

All dates and times in this Indictment are alleged to be “on or about,” “in and around,” or “through and including” the specific dates stated.

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant **MARCUS C. BEATTY** was a resident of the Southern District of Ohio.
2. Under Ohio law, when certain funds were inactive for a period of time and met certain other conditions, the funds became “unclaimed funds.” The Ohio Department of Commerce Division of Unclaimed Funds was an Ohio state agency that held unclaimed funds for safekeeping to pay anticipated claims of owners.
3. An owner of unclaimed property could file a claim with the Division of Unclaimed Funds to recover the property. If the owner established a right to payment, the Division of Unclaimed Funds returned the property to the owner.
4. Other states had similar agencies designed to return unclaimed funds to owners.

The Fraud Scheme

5. From at least June 28, 2011, through at least March 11, 2018, Defendant **MARCUS C. BEATTY** engaged in a scheme to defraud the Ohio Department of Commerce Division of Unclaimed Funds and unclaimed funds agencies of other states.

6. In furtherance of the fraud scheme, Defendant **MARCUS C. BEATTY** filed claims for unclaimed funds whose true owners were Beatty Plumbing & Supply, Inc.; 20/20 Vision Centers of America, Inc.; Banc One Securities Corporation; Banc One Capital Corporation; and Banc One Corporation.

7. As a result of the fraud scheme, Defendant **MARCUS C. BEATTY** received at least \$456,408.55 from the Ohio Division of Unclaimed Funds that he was not entitled to receive. He received the funds in the form of warrants, which are uncashed checks issued by state agencies or departments. All warrants were mailed to Defendant **MARCUS C. BEATTY** to addresses in the Southern District of Ohio.

Beatty Plumbing & Supply, Inc.

8. A company called A & B Economy Meats, Inc., was registered with the Ohio Secretary of State from January 1952 through September 1993. On September 15, 1993, the registration of A & B Economy Meats, Inc., was cancelled.

9. On August 18, 2005, Defendant **MARCUS C. BEATTY** filed a reinstatement for A & B Economy Meats, Inc., with the Ohio Secretary of State.

10. On July 6, 2011, Defendant **MARCUS C. BEATTY** filed paperwork with the Ohio Secretary of State to change the name of A & B Economy Meats, Inc., to Beatty Plumbing & Supply, Inc.

11. Beatty Plumbing & Supply, Inc., had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

12. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Beatty Plumbing & Supply.

13. On December 28, 2011, the Division of Unclaimed Funds issued warrant number 18734338 in the amount of \$18,666.75 payable to Beatty Plumbing & Supply, Inc.

14. On January 10, 2012, Defendant **MARCUS C. BEATTY** opened a First Financial Bank account ending in x2337 in the name of Beatty Plumbing & Supply, Inc. Defendant **MARCUS C. BEATTY** was the only signatory on the account.

15. On January 10, 2012, Defendant **MARCUS C. BEATTY** deposited warrant number 18734338 into the First Financial Bank account ending in x2337.

20/20 Vision Centers of America, Inc.

16. A company called 20/20 Vision Centers of America, Inc., was registered with the Ohio Secretary of State from May 1977 through October 1979. On October 4, 1979, the registration of 20/20 Vision Centers of America, Inc., was cancelled.

17. On August 30, 2005, Defendant **MARCUS C. BEATTY** filed a reinstatement for 20/20 Vision Centers of America, Inc., with the Ohio Secretary of State. The paperwork named Defendant **MARCUS C. BEATTY** as its new agent.

18. 20/20 Vision Centers of America, Inc., had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

19. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of 20/20 Vision Centers of America, Inc.

20. On January 17, 2012, the Division of Unclaimed Funds issued warrant number 18824364 in the amount of \$150.00 payable to 20/20 Vision Center.

Banc One Securities Corporation

21. A company called Capital One Acceptance Corporation was registered with the Ohio Secretary of State from June 1983 through April 1986. On April 17, 1986, the registration of Capital One Acceptance Corporation was cancelled.

22. On January 4, 2006, a reinstatement for Capital One Acceptance Corporation was filed with the Ohio Secretary of State.

23. On June 27, 2011, paperwork was filed with the Ohio Secretary of State to change the name of Capital One Acceptance Corporation to Banc One Securities Corporation.

24. Banc One Securities Corporation had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

25. On June 7, 2012, Defendant **MARCUS C. BEATTY** opened Branch Banking and Trust Company ("BB&T") accounts ending in x7623 and x7631, both in the name of Banc One Securities dba Banc One Capital. Defendant **MARCUS C. BEATTY** was the only signatory on the accounts.

26. On March 31, 2015, Defendant **MARCUS C. BEATTY** opened Fifth Third Bank account ending in x6328 in the name of Banc One Securities Corporation. Defendant **MARCUS C. BEATTY** was the only signatory on the account.

Warrant Number 20968541

27. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Securities Corporation.

28. On June 1, 2012, the Division of Unclaimed Funds issued warrant number 20968541 in the amount of \$25,253.80 payable to Banc One Securities Corp.

29. On June 12, 2012, Defendant **MARCUS C. BEATTY** deposited warrant number 20968541 into the BB&T account ending in x7631.

Warrant Number 20972656

30. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Securities Corporation.

31. On June 4, 2012, the Division of Unclaimed Funds issued warrant number 20972656 in the amount of \$7,092.46 payable to Banc One Securities Corp.

32. On June 12, 2012, Defendant **MARCUS C. BEATTY** deposited warrant number 20972656 into the BB&T account ending in x7623.

Warrant Number 21873403

33. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Securities Corporation.

34. On December 18, 2012, the Division of Unclaimed Funds issued warrant number 21873403 in the amount of \$86,959.46 payable to Banc One Securities.

35. On January 2, 2013, Defendant **MARCUS C. BEATTY** deposited warrant number 21873403 into the BB&T account ending in x7631.

Warrant Number 22289702

36. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Securities Corporation.

37. On February 15, 2013, the Division of Unclaimed Funds issued warrant number 22289702 in the amount of \$15,708.84 payable to Banc One Securities.

38. On April 4, 2013, Defendant **MARCUS C. BEATTY** deposited warrant number 22289702 into the BB&T account ending in x7623.

Warrant Number 28686864

39. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Securities Corporation.

40. On March 19, 2015, the Division of Unclaimed Funds issued warrant number 28686864 in the amount of \$49,250.55 payable to Banc One Securities Corporation.

41. On March 31, 2015, Defendant **MARCUS C. BEATTY** deposited warrant number 28686864 into the Fifth Third Bank account ending in x6328.

Banc One Capital Corporation

42. A company called Business and Capital Development of Ohio, Inc., was registered with the Ohio Secretary of State from November 1996 through April 1999. On April 21, 1999, the registration of Business and Capital Development of Ohio, Inc., was cancelled.

43. On January 4, 2006, a reinstatement for Business and Capital Development of Ohio, Inc., was filed with the Ohio Secretary of State.

44. On April 13, 2012, Defendant **MARCUS C. BEATTY** filed paperwork with the Ohio Secretary of State to change the name of Business and Capital Development of Ohio, Inc., to Banc One Capital Corporation.

45. Banc One Capital Corporation had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

Warrant Number 21012270

46. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Capital Corporation.

47. On June 12, 2012, the Division of Unclaimed Funds issued warrant number 21012270 in the amount of \$36,267.58 payable to Banc One Capital Corp.

48. On June 22, 2012, Defendant **MARCUS C. BEATTY** deposited warrant number 21012270 into the BB&T account ending in x7623.

Warrant Number 21885301

49. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Capital Corporation.

50. On December 20, 2012, the Division of Unclaimed Funds issued warrant number 21885301 in the amount of \$102,632.97 payable to Banc One Capital Corp.

51. On January 2, 2013, Defendant **MARCUS C. BEATTY** deposited warrant number 21885301 into the BB&T account ending in x7631.

Warrant Number 30394536

52. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Capital Corporation.

53. On October 6, 2015, the Division of Unclaimed Funds issued warrant number 30394536 in the amount of \$8,192.51 payable to Banc One Capital Corp.

54. On October 9, 2015, Defendant **MARCUS C. BEATTY** deposited warrant number 30394536 into the Fifth Third Bank account ending in x6328.

Banc One Corporation

55. A company called Heartland Savings, Inc., was registered with the Ohio Secretary of State from January 1994 through December 1996. On December 15, 1996, the registration of Heartland Savings, Inc., was cancelled.

56. On August 31, 2005, a reinstatement for Heartland Savings, Inc., was filed with the Ohio Secretary of State.

57. On July 13, 2012, paperwork was filed with the Ohio Secretary of State to change the name of Heartland Savings, Inc., to Banc One Corporation.

58. Banc One Corporation had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

59. On November 28, 2016, Defendant **MARCUS C. BEATTY** opened a First Financial Bank account ending in x2037 in the name of Banc One Corporation. Defendant **MARCUS C. BEATTY** was the only signatory on the account.

Warrant Number 21875776

60. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Corporation.

61. On December 19, 2012, the Division of Unclaimed Funds issued warrant number 21875776 in the amount of \$36,297.78 payable to Banc One Corporation.

62. On December 24, 2012, Defendant **MARCUS C. BEATTY** deposited warrant number 21875776 into the BB&T account ending in x7623.

Warrant Number 22289701

63. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Corporation.

64. On February 15, 2013, the Division of Unclaimed Funds issued warrant number 22289701 in the amount of \$2,395.80 payable to Banc One Corporation.

65. On December 27, 2013, Defendant **MARCUS C. BEATTY** deposited warrant number 22289701 into the BB&T account ending in x7631.

Warrant Number 30688677

66. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Corporation.

67. On December 4, 2015, the Division of Unclaimed Funds issued warrant number 30688677 in the amount of \$9,650.55 payable to Banc One.

68. On December 10, 2015, Defendant **MARCUS C. BEATTY** deposited warrant number 30688677 into the Fifth Third Bank account ending in x6328.

Warrant Number 31814833

69. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Corporation.

70. On April 7, 2016, the Division of Unclaimed Funds issued warrant number 31814833 in the amount of \$656.30 payable to Banc One.

Warrant Number 33491758

71. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Banc One Corporation.

72. On November 16, 2016, the Division of Unclaimed Funds issued warrant number 33491758 in the amount of \$36,653.16 payable to Banc One.

73. On November 28, 2016, Defendant **MARCUS C. BEATTY** deposited warrant number 33491758 into the First Financial Bank account ending in x2037.

Provident Mutual Life

74. A company called Soleil Securities Corporation was registered with the Ohio Secretary of State from September 2005 through May 2013. On May 1, 2013, the registration of Soleil Securities Corporation was cancelled.

75. On August 16, 2013, a reinstatement for Soleil Securities Corporation was filed with the Ohio Secretary of State.

76. On September 3, 2013, paperwork was filed with the Ohio Secretary of State to change the name of Soleil Securities Corporation to Provident Mutual Life.

77. Provident Mutual Life had been a true Ohio corporation for which the Ohio Division of Unclaimed Funds held unclaimed property.

78. Defendant **MARCUS C. BEATTY** filed a claim with the Division of Unclaimed Funds to recover unclaimed funds held in the name of Provident Mutual Life.

79. On June 10, 2014, the Division of Unclaimed Funds issued warrant number 27065488 in the amount of \$20,580.04 payable to Provident Mutual Life.

COUNT 1
(Mail Fraud)

80. Paragraphs 1 through 79 are realleged here.

81. From at least June 28, 2011, through at least March 11, 2018, in the Southern District of Ohio and elsewhere, Defendant **MARCUS C. BEATTY**, with the intent to defraud, devised and knowingly participated in the above-described scheme and artifice to defraud in order to deprive another of money or property—that is, to deprive the Ohio Department of Commerce Division of Unclaimed Funds and unclaimed funds agencies of other states of unclaimed funds—by materially false and fraudulent pretenses, representations, and promises.

82. On November 16, 2016, in the Southern District of Ohio, for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud, Defendant **MARCUS C. BEATTY** knowingly caused to be delivered by mail and a private and commercial interstate carrier, according to the direction thereon, an envelope containing warrant number 33491758, issued by the Ohio Department of Commerce Division of Unclaimed Funds, in the amount of \$36,653.16 payable to Banc One.

In violation of 18 U.S.C. § 1341.

COUNT 2
(Wire Fraud)

83. Paragraphs 1 through 79 are realleged here.

84. From at least June 28, 2011, through at least March 11, 2018, in the Southern District of Ohio and elsewhere, Defendant **MARCUS C. BEATTY**, with the intent to defraud, devised and knowingly participated in the above-described scheme and artifice to defraud in order to deprive another of money or property—that is, to deprive the Ohio Department of Commerce Division of Unclaimed Funds and unclaimed funds agencies of other states of unclaimed funds—by materially false and fraudulent pretenses, representations, and promises.

85. On November 28, 2016, in the Southern District of Ohio, for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud, Defendant **MARCUS C. BEATTY** caused to be transmitted by means of wire communication in interstate commerce signals and sounds—namely, an electronic image of the deposited warrant number 33491758, issued by the Ohio Department of Commerce Division of Unclaimed Funds, in the amount of \$36,653.16 payable to Banc One, and information about the deposit.

In violation of 18 U.S.C. § 1343.

FORFEITURE ALLEGATION

86. Paragraphs 1 through 85 are realleged here.

87. Upon conviction of either of the offenses as alleged in Counts 1 through 2 of the Indictment, Defendant **MARCUS C. BEATTY** shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds of the offenses as alleged in such counts, including but not limited to a sum of money in the form of a forfeiture money judgment.

88. If, as a result of any act or omission of Defendant **MARCUS C. BEATTY**, the forfeitable property so described, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of Defendant **MARCUS C. BEATTY** up to the value of the forfeitable property.

Forfeiture in accordance with 18 U.S.C. § 982(a)(1)(C), 28 U.S.C. § 2461, and Rule 32.2 of the Federal Rules of Criminal Procedure.

A TRUE BILL

s/ Foreperson

FOREPERSON

VIPAL J. PATEL
ACTING UNITED STATES ATTORNEY


PETER K. GLENN-APPLEGATE (0088708)
Assistant United States Attorney